

## PROCEDURES FOR ADR REFERRAL

Current Feb. 2000

<b>MAGISTRATE JUDGES</b>	<b>Which cases are referred?</b>	<b>Which cases are not referred?</b>	<b>Are unwilling parties referred?</b>	<b>When is decision made re: ADR</b>	<b>When is a case referred to ADR?</b>	<b>How much time for completion?</b>
BUCKLES	All types	None, except as excluded by L.R. 6.01(A)	No	Usually at the Rule 16 conference	After some initial discovery but before expert depositions taken	60 days; can usually be extended
NOCE	All types, except as excluded by L.R. 6.01(A)	None	Occasionally	Usually at the Rule 16 conference	After some discovery; before notices of motion due or expert depositions	60 days. Concludes 20-30 days before notice of motion deadline
BLANTON	All cases in which the parties agree	None, except as excluded by L.R. 6.01(A)	No	Usually at the Rule 16 conference	Discussed with parties; usually after some discovery	70-80 days; can be extended
ADELMAN	All types, except as excluded by L.R. 6.01(A)	Only those in which a party vehemently objects	No, if a vehement objection exists	At the Rule 16 conference	Discussed with parties; usually after some discovery	60 days
DAVIS	All cases, except as excluded by L.R. 6.01(A)	None	Yes, unless a valid reason not to refer exists	At the Rule 16 conference	Discussed with parties; usually after some discovery but before expert depositions	30-60 days
MEDLER	All cases, except as excluded by L.R. 6.01(A)	Those in which both parties agree referral is futile	Yes, in some cases, although it is preferable for parties to be willing	At the Rule 16 conference; referral order is issued with Case Mgmt. Order	Discussed with parties; usually after some discovery but before expert depositions	60 days
MUMMERT	All cases in which counsel feel ADR will be beneficial	None, except as excluded by L.R. 6.01(A)	Yes, particularly if counsel are willing but clients are reluctant	At the Rule 16 conference	Discussed with parties; when enough information exists to make ADR useful	60 days

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<b>MAGISTRATE JUDGES</b>	<b>Who is designated as lead counsel?</b>	<b>Can ADR referral be vacated?</b>	<b>What procedure is used to vacate ADR referral?</b>	<b>Are cases ever referred to ADR more than once?</b>	<b>Any cases referred to Early Neutral Evaluation?</b>	<b>Other comments</b>
BUCKLES	Usually plaintiff's counsel	Yes	File written motion to vacate, stating reasons	Have not to date, but would if requested by parties	Yes, twice, when requested	No
NOCE	Usually plaintiff's counsel, unless deft.'s counsel is more interested in the ADR	Yes, if parties state referral is futile, or a new dispositive motion was filed	File written motion stating reasons	Rarely; done if parties have moved closer and settlement seems likely	Yes, for pro se plaintiffs, to give them a neutral view of strength or weakness of case	Counsel should participate in ADR in good faith, even if a dispositive motion is planned or is on file
BLANTON	An attorney who volunteers	Yes, if the parties agree ADR would be futile	File a joint written motion requesting that order be vacated	No	No	None
ADELMAN	Usually plaintiff's counsel	No referrals have been vacated to date	File written motion stating exceptional reasons to vacate	No	No	None
DAVIS	Plaintiff's counsel; if pltf. is pro se, then defendant's counsel	Yes, if a defendant states it will never settle	File written motion	No, although some cases have returned informally	No	Go to ADR intent on settling; have a person present with authority to settle
MEDLER	Pltf.'s counsel unless pltf. is pro se, pltf.'s counsel is out of town, or defendant's counsel volunteers	Yes, if parties state that settlement is imminent, or if discovery is so bogged down there is no time for ADR	File written motion to vacate prior to the referral date, stating reasons why order should be vacated	Yes, if requested	No	The worst thing parties can do is ignore an ADR referral order
MUMMERT	Determined on case-by-case basis	Yes, if a party is totally opposed to ADR; to date have not vacated a referral	File a motion to amend the Case Management Order; procedure discussed at Rule 16 conference	Yes, if requested. Parties will sometimes re-enter ADR on their own	Yes, once or twice, when requested	Think about ADR prior to the Rule 16 conference, and the time frame to enter ADR